THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION Nos. 11286 & 11287 OF 2002

11.08.2005

WRIT PETITION No. 11286 of 2002

Between:

AGI Glaspac, Glass Factory Road, Hyderabad.

..... PETITIONER

AND

Union of India rep. by Secretary, New Delhi & others.

.....RESPONDENTS

WRIT PETITION No. 11287 OF 2002

Between:

AGI Glaspac, Glass Factory Road, Hyderabad.

..... PETITIONER

AND

Union of India rep. by Secretary, New Delhi & others.

.....RESPONDENTS

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

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WRIT PETITION Nos. 11286 AND 11287 OF 2002

COMMON ORDER (Per the Hon'ble Sri Bilal Nazki, ACJ)

Both these writ petitions are being disposed of with the consent of the learned counsel for the parties by this order.

Appeals were preferred by the petitioner before the Commissioner of Customs and Central Excise (Appeals). Pending disposal of the appeals, he moved stay applications. The stay applications were disposed of by passing conditional orders to the effect that the petitioner should deposit the amounts specified in the orders. These orders were challenged by these writ petitions on the ground that the petitioner was not heard when the orders in the stay applications were passed.

Learned counsel appearing for the other side submits that this Court while entertaining the writ petitions directed stay as prayed for, which resulted not only in not making any recoveries from the petitioner, but also resulted in stay in the pending appeals, therefore, the Joint Commissioner has written a letter to the Counsel that the appeals could be decided even without deposit of the amounts and they would not insist on depositing the amounts, provided the appeals are heard and decided as they are stayed for the last three years.

In this view of the matter, we stay the recovery till the appeals are disposed of. It is again submitted that the appeals were dismissed, as the order of the Commissioner with regard to the deposit of amount was not complied with. In these circumstances, we direct that the appeals be restored by the Commissioner, and be heard and decided, at an early date, on merits.

The writ petitions are accordingly disposed of. No order as to costs.

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(Bilal Nazki, ACJ)

11th August, 2005

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(K.C.Bhanu,J)

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